

NOTICE

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SLIP OPINION NO. 2008-OHIO-1589

**FRANKLIN COUNTY PROSECUTING ATTORNEY, APPELLEE, v. WALKER,
APPELLANT.**

**[Until this opinion appears in the Ohio Official Reports advance sheets,
it may be cited as *Franklin Cty. Pros. Atty. v. Walker*,
Slip Opinion No. 2008-Ohio-1589.]**

Court of appeals' judgment reversed on the authority of Hyle v. Porter.

(No. 2007-2121 — Submitted March 12, 2008 — Decided April 9, 2008.)

APPEAL from the Court of Appeals for Franklin County,
No. 07AP-165, 2007-Ohio-5095.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. I.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Hyle v. Porter*, 117 Ohio St.3d 165, 2008-Ohio-542, ___ N.E.2d ___.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,
LANZINGER, and CUPP, JJ., concur.

O'DONNELL, J., dissents.

SUPREME COURT OF OHIO

Ron O'Brien, Franklin County Prosecuting Attorney, and Tracie M. Boyd,
Assistant Prosecuting Attorney, for appellee.

Shaw & Miller and Mark J. Miller, for appellant.
